

THURSDAY, JUNE 28, 2001
FIFTY-EIGHTH LEGISLATIVE DAY

The House met at 1:30 p.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Representative Fitzhugh.

Representative Fitzhugh led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present.....98

Representatives present were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under **Rule No. 20**:

Representative Bowers; family death.

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Joint Resolution No. 582: Rep(s). Caldwell as prime sponsor(s).

MESSAGE FROM THE SENATE

June 28, 2001

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1170; substituted for Senate Bill(s) on the same subject(s), amended and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

MESSAGE FROM THE SENATE

June 28, 2001

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 454 and 455; adopted for concurrence.

RUSSELL A. HUMPHREY, Chief Clerk.

Senate Joint Resolution No. 454 -- Memorials, Academic Achievement - Sue T. Amos. by *Wilder.

Senate Joint Resolution No. 455 -- Memorials, Retirement - Henry D. "Hank" Pierce. by *Kyle, *Rochelle, *Harper, *Haynes, *Henry, *Kurita.

INTRODUCTION OF RESOLUTIONS

On motion, pursuant to **Rule No. 17**, the resolution(s) listed was/were introduced and referred to the appropriate Committee:

***House Joint Resolution No. 581** -- General Assembly, Studies - Creates special joint committee to determine if economic/market benefits exist in Tennessee's health insurance market for persons or entities that have not participated in TennCare. by *McDaniel.

House Calendar and Rules Committee

***House Joint Resolution No. 583** -- Constitutional Amendments - Declares that general assembly shall have no authority to impose tax upon sale of food and food ingredients for human consumption. by *Chumney, *DeBerry L, *Jones U (Shelby), *Kernell.

House Finance, Ways and Means Committee

RESOLUTIONS

Pursuant to **Rule No. 17**, the following resolution(s) was/were introduced and placed on the Consent Calendar for June 29, 2001:

House Resolution No. 172 -- Memorials, Academic Achievement - Tamara Young. by *Brooks.

House Joint Resolution No. 584 -- Memorials, Public Service - Dr. Vernon Coffey. by *Winningham, *Roach, *Whitson, *Davis (Cocke).

SENATE JOINT RESOLUTIONS
(Congratulatory and Memorializing)

Pursuant to **Rule No. 17**, the resolution(s) listed was/were noted as being placed on the Consent Calendar for June 29, 2001:

Senate Joint Resolution No. 454 -- Memorials, Academic Achievement - Sue T. Amos, by *Wilder.

Senate Joint Resolution No. 455 -- Memorials, Retirement - Henry D. "Hank" Pierce, by *Kyle, *Rochelle, *Harper, *Haynes, *Henry, *Kurita.

HOUSE BILLS ON SECOND CONSIDERATION

On motion, bills listed below passed second consideration and were referred by the Speaker to Committee or held on the Clerk's desk as noted:

***House Bill No. 2036** -- Taxes -- House Finance, Ways and Means Committee

House Bill No. 2037 -- Appropriations -- House Finance, Ways and Means Committee

CONSENT CALENDAR

House Resolution No. 168 -- Memorials, Retirement - Bobbie Jean Coursey Davis, by *Hood, *Beavers, *Rowland.

House Resolution No. 169 -- Memorials, Retirement - Robert "Bob" Martin, by *Boyer.

House Resolution No. 170 -- Memorials, Professional Achievement - Dora Rucker, 50 years of service to Avon, by *Hood, *Pruitt, *Brooks, *Langster, *DeBerry L, *Cooper B.

House Joint Resolution No. 580 -- Memorials, Academic Achievement - Josie Hahn, Valedictorian, Anderson County High School, by *Baird.

House Joint Resolution No. 582 -- Memorials, Public Service - Stephanie Barger Conner, by *Goins.

Pursuant to **Rule No. 50**, Rep. Phillips moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes98
Noes0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

MESSAGE CALENDAR

HOUSE ACTION ON SENATE MESSAGE

House Bill No. 1618 -- Sunset Laws - Human rights commission, June 30, 2007. Amends TCA Title 4, Chapter 21 and Title 4, Chapter 29. by *Kernell, *Cooper B. (*SB120 by *Harper)

CONFERENCE COMMITTEE REPORT ON HOUSE BILL NO. 1618

The House and Senate Conference Committee appointed pursuant to motions to resolve the differences between the two houses on House Bill No. 1618 (Senate Bill No. 120) has met and recommends that all the House and Senate amendments be deleted.

The Committee further recommends that the following amendment be adopted:

by deleting Section 2 of the printed bill and by substituting instead the following:

SECTION 2. Tennessee Code Annotated, Section 4-29-223(a), is amended by adding a new item thereto, as follows:

() Human rights commission, created by Section 4-21-201;

Senator Marsha Blackburn
Senator Bobby Carter
Senator Doug Jackson
Senator Ron Ramsey

Representative Henri Brooks
Representative Lois DeBerry
Representative Keith Westmoreland

Rep. Westmoreland moved the previous question, which motion prevailed.

Rep. Kernell moved that the Report of the Conference Committee on **House Bill No. 1618** be adopted and made the action of the House, which motion prevailed by the following vote:

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Ayes	87
Noes	7
Present and not voting	2

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Boyer, Brooks, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Ferguson, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Shelby), West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Mr. Speaker Naifeh -- 87.

Representatives voting no were: Brown, Clem, Dunn, Sharp, Turner (Davidson), Vincent, Wood -- 7.

Representatives present and not voting were: Turner (Hamilton), Walker -- 2.

A motion to reconsider was tabled.

UNFINISHED BUSINESS

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 1170 -- Hospitals and Health Care Facilities - Extends annual nursing home tax for two years beginning on July 1, 2001; reduces tax to \$2,600 from \$3,250 beginning on July 1, 2001; deletes provision for reduction of tax based upon HCFA approval of intergovernmental transfer program. Amends TCA Title 68, Chapter 11, Part 2. by *McDaniel, *Walker. (*SB368 by *Cooper J)

Senate Amendment No. 1

AMEND House Bill No. 1170 By deleting all the language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 68-11-216(d)(2), is amended by deleting the words "one (1) year beginning July 1, 2000" and substituting instead the words "two (2) years beginning July 1, 2001".

SECTION 2. Tennessee Code Annotated, Section 68-11-216(d)(2) is further amended by deleting in the last sentence, in both locations where it appears, the language "2000" and substituting instead the language "2001" and by deleting in the last sentence the language "2001" and substituting instead the language "2003".

SECTION 3. Tennessee Code Annotated, Section 68-11-216(d)(3), is amended by deleting in the first sentence the language "July 1, 2000" and substituting instead the language "July 1, 2001", and on July 1, 2002" and further amended by deleting in the last sentence the language "July 1, 2000" and substituting instead the language "July 1, 2001, and July 1, 2002".

SECTION 4. Tennessee Code Annotated, Section 68-11-216(d)(3), is amended by deleting the language "three thousand two hundred fifty dollars" ("(\$3,250)" and substituting instead the language "two thousand two hundred and twenty-five dollars" ("(\$2,225)".

SECTION 5. Tennessee Code Annotated, Section 68-11-216(d)(10) is amended by deleting the language "July 15, 2000" and substituting instead the language "July 15, 2001".

SECTION 6. Tennessee Code Annotated, Section 68-11-216(d)(11), is amended by deleting the last sentence in its entirety.

SECTION 7. Tennessee Code Annotated, Section 68-11-216(d)(12), is amended by deleting the language "June 30, 2001" and substituting instead the language "June 30, 2003".

SECTION 8. Tennessee Code Annotated, Section 68-11-830(d)(2)(B), is amended by deleting the language "July 15, 2001" and substituting instead the language "July 15, 2003".

SECTION 9. Tennessee Code Annotated, Section 68-11-830(d)(10) is amended by deleting the language "June 30, 2001" and substituting instead the language "July 15, 2003".

SECTION 10. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 11. This act shall take effect July 1, 2001, the public welfare requiring it.

Rep. McDaniel moved that the House concur in Senate Amendment(s) No(s). 1 to **House Bill No. 1170**, which motion prevailed by the following vote:

Ayes	87
Noes	6
Present and not voting	1

Representatives voting aye were: Armstrong, Arriola, Baird, Bittle, Black, Boyer, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Hagood, Hargett, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Montgomery, Mumpower, Newton, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 87.

Representatives voting no were: Beavers, Bone, Garrett, Harwell, Odom, West -- 6.

Representatives present and not voting were: Miller -- 1.

A motion to reconsider was tabled.

RULES SUSPENDED

Rep. Phillips moved that the rules be suspended for the purpose of introducing House Resolution No. 171 out of order, which motion prevailed.

House Resolution No. 171 -- Memorials, Retirement - Kitty Steede. by *Phillips.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Phillips, the resolution was adopted.

A motion to reconsider was tabled.

RULES SUSPENDED

Rep. McKee moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 585 out of order, which motion prevailed.

House Joint Resolution No. 585 -- Memorials, Public Service - Mayor Margaret Mahery. by *McKee.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. McKee, with the request that all members voting aye be added as sponsors, the resolution was adopted.

A motion to reconsider was tabled.

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Joint Resolution No. 584: Rep(s). Roach, Whitson and Davis (Cocke) as prime sponsor(s).

MESSAGE FROM THE SENATE
June 28, 2001

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2033 and 2035; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

MESSAGE FROM THE SENATE
June 28, 2001

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 551, 569, 577 and 578; all concurred in by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

ENROLLED BILLS
June 28, 2001

The following bill(s) have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Bill(s) No(s). 2033, 2035, also, House Joint Resolution(s) No(s). 551, 569, 577 and 578.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

SIGNED
June 28, 2001

The Speaker signed the following: House Bill(s) No(s). 2033, 2035; also, House Joint Resolution(s) No(s). 551, 569, 577 and 578.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE
June 28, 2001

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2033, 2035; also, House Joint Resolution(s) No(s). 551, 569, 577 and 578; signed by the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk.

REPORT OF CHIEF ENGROSSING CLERK

June 28, 2001

The following bill(s) was/were transmitted to the Governor for his action: House Bill(s) No(s). 2033, 2035; also, House Joint Resolution(s) No(s). 551, 569, 577 and 578.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

ENGROSSED BILLS

June 28, 2001

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Joint Resolution(s) No(s). 580, 582 and 585.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

June 28, 2001

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 899, 1475 and 1808; all passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

***Senate Bill No. 899** -- Child Custody and Support - Expands sources of payment of mediation and education under parenting plans to include other available funds, in addition to federal, state, and local funds. Amends TCA Title 36, Chapter 6, Part 4. by *Harper, *Fowler, *Haynes, *Trail. (HB1334 by *Buck, *Walker, *Patton, *Black, *Boyer, *Dunn, *Clem, *Odom, *Kernell, *Turner (Davidson), *Bowers)

***Senate Bill No. 1475** -- Taxes, Sales - Increases, from \$500 to \$750, threshold for exchange of sales and use tax transactions with other states under reciprocity agreement. Amends TCA Title 7; Title 12; Title 30; Title 57 and Title 67. by *Dixon. (HB1283 by *Jones, S., *Garrett)

***Senate Bill No. 1808** -- Taxes - Enacts "The Tax Relief and Reform Act of 2001." Amends TCA Title 7; Title 12; Title 30; Title 57 and Title 67. by *Clabough. (HB1873 by *Head, *Rinks)

ENROLLED BILLS

June 28, 2001

The following bills have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Bill(s) No(s). 1170; also, House Resolution(s) No(s). 168, 169, 170 and 171.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**SIGNED
June 28, 2001**

The Speaker signed the following: House Bill(s) No(s). 1170; also, House Resolution(s) No(s). 168, 169, 170 and 171.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE
June 28, 2001**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1170; signed by the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk.

ROLL CALL

The roll call was taken with the following results:

Present.....95

Representatives present were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

RECESS MOTION

On motion of Rep. Davidson, the House stood in recess until 10:00 a.m., Friday, June 29, 2001.